

**Toledo City Hall
Council Chambers
206 N Main St. Toledo OR
May 10, 2023
6:30 pm**

AGENDA

TOLEDO PLANNING COMMISSION

The Planning Commission will hold an in-person meeting in City Hall Council Chambers. Participants can also attend the meeting through the Zoom video meeting platform. Email planning@cityoftoledo.org or call 541-336-2247 ext. 2130 to receive the meeting login information.

1. CALL TO ORDER AND ROLL CALL
2. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
3. APPROVAL OF THE APRIL 12, 2023 MINUTES as circulated and reviewed by the Planning Commission
4. DECISION ITEM: Extension to the deadline date for the Minor Partition approval (File MP-1-22), requested by Edward and Kelly French (Stephen Swinehart authorized agent)
5. WORKSESSION: Comprehensive Land Use Plan Update – Introduction Chapter
6. DISCUSSION ITEMS:
 - a. Planning Commission Quasi-Judicial Hearings Reminder
 - b. Updates and Reports
7. STAFF COMMENTS
8. COMMISSIONER COMMENTS
9. ADJOURNMENT

* Comments submitted in advance are preferable. Comments may be submitted by phone at 541-336-2247 extension 2130 or by email to planning@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodation for persons with disabilities should be made at least 48 hours in advance of the meeting by calling the Toledo Planning Department at 541-336-2247.

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 6:30 pm by President Anne Learned-Ellis. Commissioners present: Ruthanne Morris, Ricky Dyson, Brian Lundgren, Cora Warfield and Jonathan Mix. Excused was Terri Neimann.

Staff present: Contract Planner (CP) Justin Peterson, City Manager (CM) Judy Richter, City Attorney (CA) Mike Adams, Community Outreach Specialist Katy Keuter, Planning Assistant Arlene Inukai.

VISITORS: Roman Sorokin

APPROVAL OF THE MARCH 8, 2023, MINUTES:

It was moved and seconded (Warfield/Dyson) to approve the March 8, 2023, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Neimann.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A FOOD PRODUCTION OPERATION IN THE COMMERCIAL ZONE (FILE #CU-1-23), FOR PROPERTY LOCATED AT 340 NE HIGHWAY 20, REQUESTED BY ROMAN SOROKIN (APPLICANT) AND HILLCREST FOODS LLC (DAVID NEAL, OWNER):

President Learned-Ellis opened the public hearing by stating the nature and purpose. Commissioners expressed a familiarity with the site, but there were no declarations of ex parte contact, bias, or conflict of interest. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. The property is located at 340 NE Highway 20. It is the vacant commercial unit, on the north end of Thriftway. It was the site of a tattoo shop and laundromat in the past. The applicant is proposing a micro-greens nursery, to distribute to local businesses. The proposed use is considered food production but does not have retail sales (similar use to what is listed in the Commercial Zone) and requires a Conditional Use Permit. The site has existing water and sewer services.

CP Peterson reviewed criteria and Comprehensive Plan goals. He clarified that the use does not include any growing or production of marijuana products. The commercial unit is approximately 1,400 square feet, no structural modifications are requested, parking is available on the site, and the applicant proposes Monday-Sunday, 8am-8pm operation hours. Staff recommends approval with the adoption of the recommended conditions. CP Peterson reviewed the proposed conditions, noting that the applicant will need to obtain any necessary County/State permits or inspections, signage is limited to 40 square feet, no marijuana growing or processing, and a backflow prevention device to be installed on the water system (if not already installed). Commissioners discussed the proposed conditions and if there should be some flexibility to the operating hours. It was clarified that the business hours may be limited from 8am-8pm, but that does not restrict an employee to be in the building after hours to tend to the vegetables. Business hours may not be as restrictive

because of the location and limited residential use in the area. In answer to Commissioner questions, CP Peterson noted that the food production will be for local distribution. The applicant does not propose to have on-site sales at this time. However, on-site retail sales would be allowed for the business.

Applicant Testimony: Roman Sorokin (118 Osprey Street, Sitka, Alaska) reported that he would open the business as a sole proprietor. He has a background in fishing, nursing, EMT, and now trying entrepreneurship. He provided a display of the seed stock and growing trays, explaining that it takes 3-4 days to sprout. Lights are on the seedlings for 5-7 days to get 4-6" of growth. At this stage, they are ready for harvest. The product is then collected, packaged, and distributed. Materials will be recycled/composted as much as possible. The proposed business hours allows a good window of time because of the needs of the plants. He expects to distribute to stores and restaurants. Customers are welcome to stop-in for visits or buy on-site if needed.

President Learned-Ellis asked about ventilation and if additional fans would be needed. Mr. Sorokin reported that the initial start will be labor intensive. However, he expects to expand into hydroponics, growing leafy greens and strawberries. Additional fans may be necessary at that time, depending on the humidity and temperature. He does not want to outgrow the site or make the shop too noisy. He could install quiet fans. Commissioner Dyson asked why limit the number of fans, if they are need for humidity control and are quiet. CP Peterson noted that Condition #3 could be modified to 'allow fans as needed'.

Mr. Sorokin responded to Commissioner Dyson's inquiry about existing water/wastewater service to the site. When he expands to hydroponics, he will need to update his system to contain the wastewater from the hydroponic systems. This could include holding tanks before discharge into the sewer line. Mr. Sorokin would also like to find local farms to donate the vegetable by-products. They would be beneficial to chickens, rabbits, or goats.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: CP Peterson reported that one comment was received since writing the staff report. Cynthia George expressed concerns with the City's water quality and using the source for food production. The letter was distributed to Planning Commissioners tonight and is available online for those attending virtually. In response, the City's annual Water Quality Report was included for the Planning Commission's review. The report shows no violations, the water sources are from Mill Creek reservoir and Siletz River, not the Yaquina River. Commissioner Mix noted that GP's effluent water goes to the ocean, not the Yaquina River.

Applicant Rebuttal: None.

Questions by Commission: Commissioner Morris asked about the amount of water the business would use. Commissioner Mix noted that the City of Toledo will be losing Seal Rock Water District as a customer, so the City should have a lot of water to provide. Mr. Sorokin reported that he does not expect an abnormal amount of usage. The hydroponic systems are about one year out. This would be enough time to see reduced impacts from Seal Rock.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioners reviewed the hydroponic systems and needed backflow prevention device. Commissioners discussed revisions to conditions of approval to allow some flexibility to the business operations, specifically, “fans as needed” will be added to Condition #3, and “business hours from 5am-11pm” changes for Condition #4.

It was moved and seconded (Learned-Ellis/Dyson) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on April 12, 2023, the Planning Commission finds that the request by Hillcrest Foods LLC (property owner) and Roman Sorokin (applicant), (CU-1-23) complies with the criteria identified in Toledo Municipal Code 17.64.050. The Planning Commission hereby adopts the staff report as findings, as well as the proposed conditions of approval for CU-1-23, allowing for the correction of typographical and grammatical errors, and amending Condition #3 for “fans as needed” and Condition #4 for business hours “5am-11pm Monday-Sunday”, as discussed. The **motion passed** unanimously, noting the absence of Neimann.

WORKSESSION: COMPREHENSIVE LAND USE PLAN UPDATE – CHAPTER 5 (NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES) AND CHAPTER 6 (AIR, WATER, AND LAND RESOURCES QUALITY):

CP Peterson noted that Chapters 5 and 6 are the last chapters for revision. There will still be a final review of the chapters. An Open House is scheduled on April 26 at 5-7pm to review the project. There will be stations for comments, maps on display, and staff present to review the information. CP Peterson expects the Planning Commission public hearing to be scheduled in November and City Council hearing in December. The Lincoln County Estuary Management Plan will not be completed prior to the public hearing. It is expected that the estuary plan will be adopted by the County in early 2024, with local jurisdictions to adopt later in 2024. After adoption, the City can then amend the Comp Plan chapter.

CP Peterson provided an update on the Lincoln County Estuary Management Plan project and noted there are not a lot of substantial changes to the plan, but modernizing the plan. One notable update is at the mouth of the Yaquina Bay, which was in the conservation management zone, but will now be changed to the development unit. Also, the wetlands conservation site will be listed in the plan as a conservation unit. The Sturdevant site where the dike was removed will also be added to the plan. There is not a substantial change to the allowed uses from the 1982 plan.

CP Peterson reviewed Chapter 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), noting that the City has an old wetlands inventory (1995), but the state maps are available. The safe harbor setback standards apply with Yaquina River having 75’ and the sloughs with 50’ setbacks.

Commissioner Dyson asked about the wetland area, near the railroad, at the Toledo Industrial Park. CP Peterson stated the City still owns the site and the property shows up on the State-wide wetlands map. Commissioner Dyson suggested using the area as a walking path, connecting the site to the existing walking trail at the TIP. CP Peterson noted that the City did not retain an easement along the railroad for a pathway, as the property was recently sold for private development. There would be no connection from the existing pathway to the wetland site.

Commissioners discussed the riparian setbacks standards. It was clarified that the setback distance is measured from the high-water line. The State establishes the high-water/top of bank mark. The

safe harbor standards establish the setback standards and it is very difficult to challenge. If development occurs near a mapped wetland, staff can send notice to DSL for determination. Commissioners discussed wetland areas along Sturdevant Road and East Slope Road and potential trail systems. Language can be added to the chapter to include ODFW information for different wildlife in the area. ODFW regulations would apply for protected streams and wildlife.

CP Peterson reviewed proposed changes, noting Policy #2 can be ‘as needed by state/federal/local laws’. Language was added for biodiversity, natural resource inventory, soils, and invasive species. Policy #10 can be re-worded for natural resource easements. Policy #13 updated for access to nature and protecting natural features.

Commissioners discussed having an invasive species list and listing some common invasive species in the plan. ODFW boating regulations restrict boats from transferring invasive species/vegetation.

Commissioner Dyson asked if the City would establish underground tunnels for tourism. CM Richter advised against the City establishing the tunnel system for tourism because of the liability risks.

CP Peterson reviewed Chapter 6 (Air, Water, and Land Resources). There are air monitoring stations in Toledo which is a good tool available. DEQ has a water quality list for waterbodies. All area waterbodies are shown as ‘impaired’ which is the same as the 1998 classification. There could be a number of reasons for the classification, but some speculated with the number septic systems. Commissioners discussed the effect of rain water on the wastewater treatment plant. CP Peterson reported that the City has done a lot of work to reduce the infiltration, with lining mainlines and manholes. It takes a lot of time to complete the repairs.

Noise quality was addressed in the chapter. The City has some noise nuisance standards.

Updates to Chapter 6 were discussed as follows:

- Include “local” when referencing state/federal laws.
- Policy #5 was removed because it is in the Public Facilities Chapter. However, this policy is important and should be listed in both.
- Leave language for wastewater inflow/infiltration policy.
- Added language around noise control and removed “DEQ”.
- Under Land Resources, language was removed because it was included in the Urbanization Chapter.

Commissioners discussed the railroad noise and increased noise generated from train traffic. CA Adams reviewed the rules for rail crossings and duration of the signals. There are a lot of regulations and it’s a complicated process to establish quiet zones in a community. There seems to be a lot more train traffic or awareness of the noise since the recent derailments.

CP Peterson invited all to attend the Open House. Reminders will be sent closer to the date.

STAFF COMMENTS: CM Richter announced the Emergency Preparedness Fair on May 10th at Toledo High School, from 5-7 pm.

There is one vacancy on the City Council and two vacancies on the Budget Committee. The first

budget meeting is May 2nd at 6pm. Typically, the budget meetings are under three hours and about two or three meetings in the spring. Committee members must reside inside the City limits.

COMMISSIONER COMMENTS: None.

There being no further business before the Commission, the meeting was adjourned at 8:20 pm.

Planning Assistant

President



TO: Toledo Planning Commissioner Members
FROM: Justin Peterson, Contract Planner
DATE: May 3, 2023
RE: Request to the Deadline Date for MP-1-22

Attached is a request to extend the deadline dates for a land use decision issued in May 2022.

Edward and Kelly French are requesting extension to the deadline date to file the Partition application in the General Residential (R-G) zone, for the property located at 11-10-17 BA TL 6000. In May 2022, the Planning Commission reviewed and approved the partition application to create three parcels. In accordance with the municipal code and conditions of approval, approval shall be valid for twelve (12) months after the effective date of the approval. The decision Order is attached for your review.

Stephen Swinehart the authorized agent for Edward and Kelly French submitted a written request for an extension to the deadline on April 26, 2023. The request was submitted prior to the deadline of May 1, 2023.

The relevant Toledo Municipal Code sections authorizing extensions are noted below:

TMC CHAPTER 17.08

16.08.08 Planning Commission Action

- A. The planning commission is authorized to approve, conditionally approve, or deny the application and shall take action within forty-five (45) days of the first public hearing on the application. Approval of an application shall be valid for twelve (12) months after the effective date of the approval. If the improvements are not completed and the real property partitioned within that time, the approval is void.
- B. If the applicant requests an extension in writing before the required time elapses, the planning commission may grant not more than one extension of time for a period not to exceed one year to complete the required improvements.

Staff recommends granting an extension for Partition #MP-1-22 with a deadline date updated to May 18, 2024.

Attachments:

Stephen Swinehart Email April 26, 2023
MP-1-22 Order

Arlene Inukai

From: Stephen Swinehart <sls51ptgps@hotmail.com>
Sent: Wednesday, April 26, 2023 11:48 AM
To: Arlene Inukai
Cc: Edward French
Subject: FRENCH PROJECT

Arlene,

As per our conversation, I am requesting extensions to the filing deadlines for both the Lot Line Adjustment and the Partition plat relating to the French project (#LLA-1-22 and #MP-1-22).

Stephen Swinehart
Swinehart Land Surveying
for
Ed and Kelly French

BEFORE THE PLANNING COMMISSION OF THE CITY OF TOLEDO, OREGON

In the matter of a request for a Minor Partition	)	
to divide property into three parcels of land	)	ORDER
Property is identified on Assessor's	)	City of Toledo File #MP-1-22
Map 11-10-17 BA Tax Lot 6000.	)	

Edward and Kelly French, Property Owners
Stephen Swinehart, Authorized Agent

This matter came before the Planning Commission on May 11, 2022. The Commission held a public hearing, allowing for testimony and introduction of evidence from proponents, opponents, and others. The Planning Commission evaluated the application based on the applicable criteria. Approval of the application is based on the Staff Report and attachments, testimony presented at the public hearing, and the following Criteria, Facts, Findings and Conditions of Approval as adopted by the Planning Commission:

APPLICABLE CRITERIA FOR EVALUATING THE MINOR PARTITION REQUEST AND STAFF ANALYSIS:

The following comprehensive plan and ordinance standards apply to this request. The standards are listed below in regular type. Staff analysis including facts and findings are highlighted below each comprehensive plan and ordinance standard in an italicized font.

1. 2000 Toledo Comprehensive Land Use Plan – Article 2, Objective 2(A) – Comprehensive Plan Map Designations:

Comprehensive Plan Map designations are intended to guide development by designating appropriate areas for each particular type of development use. Additional uses within each designation may be allowed as either uses permitted outright or as conditional uses when the city determines that such uses are either consistent with the general use or can be reviewed for compatibility through the conditional use process. The map designations and the uses allowed in the designations should reflect the applicable goals and objectives of the Toledo Comprehensive Land Use Plan.

Medium-Density Residential -This designation provides for either lower or higher density housing. This designation may be implemented through the zoning map's Single-Family Residential (R-S) or General Residential (R-G) zone designation.

2. 2000 Toledo Comprehensive Land Use Plan – Article 2, Objective 2(B) – Zoning Map Designations:

General Residential (R-G) -The purpose of the R-G zone is to encourage economical, higher-density housing in these designated areas and the facilities and services which go along with those residences.

3. TMC Sections 17.12.10 – 17.12.040, 17.12.060 – R-G Zone.

TMC Section 17.12.010—R-G Zone—Purpose.

The purpose of the R-G zone is to encourage economical, higher-density housing in these designated areas. Additional traffic pressure and resulting noise and activity should be confined to the areas zoned R-G.

TMC Section 17.12.020 – R-G Zone – Uses permitted outright.

In the R-G zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in Section 17.12.040.

- A. Single-family dwellings and their accessory uses.
- B. Multi-family dwelling units.
- C. Manufactured dwellings.*
- D. Accessory dwelling units.*
- E. Home occupations which comply with Chapter 17.46.
- F. Accessory use structures.
- G. Registered and licensed residential care facility and residential care homes.
- H. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city Transportation System Plan).

TMC Section 17.12.030 – R-G Zone – Conditional uses permitted.

- A. Religious use.
- B. Governmental structure or land use, including but not limited to a public park, playground, fire station, library, or museum.
- C. Hospital, sanitarium, rest home, home for the aged, nursing home, convalescent home, group care center, or medical clinic.
- D. School: nursery, primary, elementary, junior high, or senior high.
- E. Pumping station and utility substation.
- F. Boarding house, bed and breakfast facility, hostel, or residency hotel.
- G. Child day care center.*
- H. Manufactured dwellings that do not meet the minimum standards in Section 17.12.040(B).
- I. Professional office use, bakery/catering, art gallery/studio, eating establishment, or other similar type of commercial use in conjunction with the residential use of the property that exceeds the standards for a home occupation.

TMC Section 17.12.060 – R-G Zone – Lot size.

The minimum lot area shall be fifty-five hundred (5,500) square feet for a single-family dwelling. Density in the R-G zone shall not exceed thirty two (32) units per acre.

Staff Analysis: The subject property is approximately 35,491 square feet pending the completion of LLA-1-22. Staff recommends a condition of approval that proposed LLA-1-22 is completed prior to the finalization of MP-1-22. The applicant is requesting to divide the property into three parcels, resulting in proposed Parcel 1 being approximately 7,750 square feet and proposed Parcel 2 being approximately 7,768 square feet and proposed Parcel 3 being approximately 19,973 square feet. The proposal meets the minimum lot size standard for the R-G Zone as both parcels are over 5,500 square feet.

4. 2000 Toledo Comprehensive Land Use Plan – Article 10, Goal 1 – Housing:

1. Encourage development of a mixture of housing stock in terms of design, type, cost,

and location that meets the housing needs of all Toledo citizens.

...

10. Encourage residential development on vacant or redevelopable lots in areas already serviced or where services can be economically provided.

Staff Analysis: The subject property is currently vacant. Future development of proposed Parcels 1-3 must comply with TMC 17.12 (General Residential Zone) standards. The R-G Zone allows various residential uses, specifically, single-family homes (both site built and manufactured), multi-family, and accessory dwelling units are allowed outright. The applicant has tentative plans to build a duplex on proposed Parcel 1 and a single-family home on proposed Parcel 2. This request meets additional housing needs for Toledo residents in terms of type, creating an additional location for housing, and developing in an area where public service already exists.

5. 2000 Toledo Comprehensive Land Use Plan – Article 14, Goal 1 and 3 – Urbanization and Livability:

1. Build Toledo as a small, cost-effective, attractive, livable, and sustainable city by encouraging efficient land use patterns.
- ...
3. Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with the comprehensive Plan goals and policies and Toledo's Municipal Code and standards.

Objective:

1. Encourage urban level development which is properly serviced with public facilities to locate within the city limits.
5. Encourage compact development and the use of already serviced vacant and underdeveloped land through effective zoning, land division, and development standards and through the prioritization of public expenditures for municipal services.
6. Encourage land use patterns and development plans that take advantage of density and location to reduce the need for travel and the extension of public services but are also designed around the natural features and constraints of Toledo's topography and environmentally sensitive areas.

Staff Analysis: Approval of this application encourages an attractive, livable, and sustainable city by encouraging efficient land use patterns. The proposed partition is adjacent to existing city streets (NE 1st Street and NE 2nd Street) minimizing the need for additional infrastructure. This application has been reviewed in compliance with and processed consistent with Toledo's Comprehensive Plan goals and policies and Municipal Code standards.

GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

6. TMC Sections 16.04.20 – 16.04.050 – General Provisions.

TMC 16.04.020 - Purpose.

The purpose of this title is to prescribe standards and procedures for minor and major partitions and subdivisions of land and planned development within the city of Toledo and to aid in the implementation of the Toledo Comprehensive Land Use Plan.

TMC 16.04.050 (A) Conformity to the Comprehensive Plan.

Conformity to the Comprehensive Plan. All partitions and subdivisions shall conform with all adopted portions of the comprehensive plan, transportation system plan, and all applicable ordinances and design standards of the city. Traffic facilities (including streets, pedestrian paths and bicycle paths), community and neighborhood facilities and recreational areas should be placed in approximately the same locations designated by the comprehensive plan and transportation system plan.

Staff Analysis: Based upon the information received by City staff through May 4, 2022, the minor partition appears to conform to relevant provisions of the City's plans and ordinances as described herein.

TMC 16.04.050 (B) Access.

The partitioning and subdividing of land shall provide each lot or parcel, by means of a fully developed city street, satisfactory vehicular access to an existing street pursuant to Chapter 16.06 of this Code. The city street for the entire length which is adjacent to the parcel or lot which is being partitioned or subdivided must be a fully developed city street unless an exception is granted as per the following standards and procedures:

1. Partitions and subdivision of land that require the creation of a public street to serve the proposed lots shall comply with the requirements of the adopted street standards and shall include the public dedication of the required right-of-way in the adopted street standards, except as varied under Section 16.30;
2. Partitions and subdivision of land with frontage along an existing city, county, or state street or that are accessed via an existing city, county, or state street shall be required to make such improvements as necessary to address the impacts of the proposed development on those streets provided the required improvements are roughly proportional to the impacts created by the proposed development. If the required improvements are roughly proportional to the impacts created by the proposed development, but the planning commission determines that because of the existing street conditions, topography, or other similar factor that requiring the improvements to be completed prior to platting the property is an inefficient method of obtaining the improvements, the planning commission can allow the applicant to provide a deferred improvement agreement, bond, irrevocable petition for public improvements, or similar mechanism for obtaining the completion of the required improvements at a later date.

Staff Analysis: Proposed Parcels 1 and 2 would have adequate frontage along NE 1st Street, a city street. Proposed Parcel 3 will have access to NE 2nd Street, also a city street.

Improvements as necessary to address the impacts of the proposed development on those streets provided the required improvements are roughly proportional to the impacts created by the proposed development. Any driveway modification, in accordance with the standards specified in the Public Infrastructure Design Standards Manual, may be required as determined by the Public Works Director. If required, it shall be completed within one year of approval of this application, or a deferred development agreement entered into, to address this requirement. Determination will be made when a construction permit has been submitted that identifies the

location of proposed construction and length of its driveway, to ensure that the development will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards. The Public Works Department provided comments that the applicant will be responsible for driveway access improvements, street improvements and sidewalks. The improvements will be along the frontage of the property only and roughly proportional to the development. Staff recommends allowing the applicant to provide a deferred improvement agreement, bond, irrevocable petition for public improvements, or similar mechanism for obtaining the completion of the required improvements at a later date.

The applicable development standards for the driveways and sidewalks are found in City of Toledo's approved Public Infrastructure Design Standards Manual. Other standards apply, but some are included below.

Paragraph 3.9 provides development standards as to driveways:

- (1) Driveways shall conform to standard details (3.9.1);
- (2) Driveways may be deferred until lots are built upon, if approved by the City Planning Commission or City Council (3.9.2);
- (3) If the developer chooses to delay the installation of a driveway approach, additional repair of curb and gutter, sidewalk, and other facilities may be required when the driveway is installed (3.9.2.(A));
- (4) The costs of installing a driveway approach and associated repairs to curb and gutter, sidewalk and other facilities will be borne, solely, by the developer.

Paragraph 3.9.5 provides residential driveway approach standards as follows:

- (1) A residential driveway approach shall be constructed of Portland cement concrete, minimum of 6-inches in thickness, 3,000 psi filed strength, with 2-inches (minimum) compacted $\frac{3}{4}$ "-0" crushed rock base. No rebar or wire mesh is required for residential approaches (3.9.5(A)); and
- (2) Transition flares shall be constructed to the same standards for residential driveway approaches (3.9.5(B)).

Paragraph 3.11 provides development standards for sidewalks as follows:

- (1) All development for which land use applications are required must include sidewalks adjacent to public streets. This requirement also applies to new single-family houses and duplexes if they are located on arterial or collector streets or on curbed local streets if there is an existing sidewalk within 500 feet on the same side of the street (3.11.1);
- (2) The provision of sidewalks may be waived where the street serves a use or combination of uses which generate fewer than fifty trips a days (based on ITE standards) and cannot be continued or extended to other properties. A waiver shall only be granted upon review of the Public Works Director or designee (3.11.3);
- (3) Sidewalks along residential and other local streets must be a minimum of five (5) feet in width. Sidewalk design may be a setback or integral as determined by the developer, Public Works Director, or funding agency (3.11.4(C)).

Staff analysis: Unless waived by the Public Works Director, or designee, all land use applications are required to include curb and gutter and sidewalks adjacent to public streets. A sidewalk is within 500 feet of the subject property (sidewalks about 250 feet to the west), the installation of 5 foot wide sidewalks along the NE 1st and NE 2nd frontage will be required, the

applicant may sign a deferred development agreement.

TMC 16.04.050 (C) Relation to the Adjoining Street System.

Major partitions and subdivisions shall provide for the continuation of the city streets existing in the adjoining neighborhood and for the proper street extensions when the adjoining properties are divided or developed. If the city adopts a plan for the neighborhood or area of which the partition or subdivision is a part, the partition or subdivision shall conform to such neighborhood or area plan. If the topographical conditions make such continuation or conformity impractical, adjustments or variances may be approved under Section 16.30.

Staff Analysis: The application is for a minor partition and not a major partition or subdivision. No new streets are required or proposed by the proposed partition.

TMC 16.04.050 (D) Density.

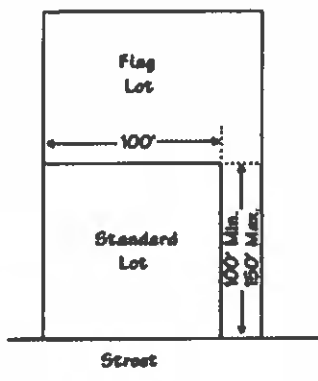
...

4. All partitions within residential zones where the subject parcel can be further partitioned, shall be partitioned in a manner that does not preclude the efficient division of land in the future.

Staff Analysis: Proposed Parcel 3 could be further divided based on the minimum lot size requirement in the R-G Zone. Proposed Parcels 1 and 2 are unlikely to be further divided because of the minimum lot size requirements. The current request does not preclude the efficient division of land in the future.

TMC 16.04.050 (E). Lots, Parcels, Topography, or Past Development Patterns.

1. Every lot and parcel shall abut and take primary ingress and egress from a city street, county road, or state highway and the frontage of each shall not be less than twenty-five (25) in nonresidential zones, twenty (20) feet in the R-G zone and R-S zone;
2. Lots and parcels with double frontage shall not be permitted unless, in the opinion of the planning commission, an odd-shaped tract, existing street layout, or existing topography makes such a lot or parcel unavoidable;
3. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible;
4. Flag lots shall not have an interior flag portion measurement of more than one hundred (100) feet in length or a "pole" less than twenty (20) feet wide for residential and twenty-five (25) feet for non-residential. See illustration.



5. The pole portion of a flag lot shall be a minimum of one hundred (100) feet long and a maximum of one hundred fifty (150) feet long. Existing circumstances that make this minimum

and maximum impossible can be considered as a variance by the planning commission as set forth in the zoning ordinance;

6. Lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one;

7. Flag lots may not be created such that more than two driveways for individual lots are in less than seventy-five (75) foot of street frontage;

8. Existing natural and piped drainages must be preserved or replaced on the site and easements must be granted for drainage as long as the easements required are roughly proportional to the impact of the proposed development.

Staff Analysis: TMC 16.04.050 (E)(1) provides that each of the three parcels shall abut and take primary ingress and egress from a city street and the frontage of each shall not be less than twenty (20) feet in the R-G zone. Proposed Parcel 1 will have more than 20 feet of frontage onto NE 1st Street (a city street). Proposed Parcel 2 will have more than 20 feet of frontage onto NE 1st Street (a city street). Proposed Parcel 3 will have more than 20 feet of frontage onto NE 2nd Street (a city street).

Staff Analysis: TMC 16.04.050 (E)(2) provides that parcels with double frontage shall not be permitted unless an odd-shaped tract, existing street layout, or existing topography makes such a parcel unavoidable. The result of the partition will be three parcels with single frontage. The existing parcel has double frontage and the property is being divided in a way that removes the double frontage. The proposal will not create a double frontage lot.

Staff Analysis: TMC 16.04.050 (E)(3) provides that each side line be as close to perpendicular to the adjacent street line as possible. The proposed property line configuration for Parcels 1, 2, and 3 will be close to perpendicular to NE 1st Street and NE 2nd Street.

Staff Analysis: TMC 16.04.050 (E)(4) provides that flag lots shall not have an interior flag portion measurement of more than one hundred (100) feet in length, or a "pole" less than twenty (20) feet wide for residential. The proposed parcels are not flag lots.

Staff Analysis: TMC 16.04.050 (E)(5) provides that the pole portion of a flag lot shall be a minimum of one hundred (100) feet long and a maximum of one hundred fifty (150) feet long. The proposed parcels are not flag lots.

Staff Analysis: TMC 16.04.050 (E)(6) provides that lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Further, that lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one. Proposed Parcel 1 would be approximately 7,750 square feet, proposed Parcel 2 would be approximately 7,768 square feet, and proposed Parcel 3 would be approximately 19,973 square feet. Accordingly, proposed Parcels 1, 2 and 3 do not exceed twenty-five thousand (25,000) square feet in area, and must not exceed a depth to width ratio of two and one-half to one. As to Parcel 1, the depth of the parcel is approximately 100 feet and width is approximately 70 feet, so does not exceed a depth to width ratio of two and one-half to one. As to Parcel 2, the depth of the parcel is approximately 100 feet and width is approximately 78 feet, so it does not exceed a depth to width ratio of two and one-half to one. As to Parcel 3, the depth of the parcel is approximately 100 feet, and the width is

approximately 199 feet. Therefore, as drawn on the proposed map, the proposed parcels will not exceed a depth to width ratio of two and one-half to one.

Staff Analysis: TMC 16.04.050 (E)(7) provides that flag lots may not be created such that more than two driveways for individual lots are in less than seventy-five (75) foot of street frontage. The proposed parcels are not flag lots.

Staff Analysis: TMC 16.04.050 (E)(8) provides that existing natural and piped drainages must be preserved or replaced on the site and easements must be granted for drainage as long as the easements required are roughly proportional to the impact of the proposed development. No natural or piped drainages were identified, however, any identified drainage must be preserved or replaced on the site. The Public Works Department provided comments that a storm water plan will be required. Staff recommends that this is listed as a condition of approval.

TMC 16.04.050 (F) All parcels and lots in partitions and subdivisions shall be served by a public water system. No plat of a partition or subdivision shall be approved unless the city has received and accepted:

1. A certification by the public works director that water will be available from the nearest point of supply; and
2. A performance agreement, bond, contract or other assurance that a water supply system will be installed by or on behalf of the partitioner to the boundary line of each and every lot or parcel depicted on the proposed partition or subdivision.

TMC 16.04.050 (G) All parcels and lots in partitions and subdivisions shall be served by a public sewer system unless in possession of a sewer exception stipulated in writing by the public works director and city council (Public Improvement Requirements and Design Standards). No plat of a partition or subdivision shall be approved unless the city has received and accepted:

1. A certification by the director of public works that sewage service will be available at the nearest point of collection;
2. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the partitioner to the boundary line of each and every lot or parcel depicted in the proposed partition.

Staff Analysis: The Public Works Director reviewed the proposed partition and indicated that water and sewer are currently available to the parcels. The public water line is located in the NE 1st Street and NE 2nd Street right-of-way and the public sewer line is located in the NE 2nd Street right-of-way.

The applicant should agree that the final plat will include water, sewer, and/or other utility easements, as appropriate, for any service lines that may cross proposed parcels.

IMPROVEMENTS

7. TMC Sections 16.08.040 Improvements.

A. The applicant shall improve or agree to improve lands dedicated for roads, alleys, pedestrian or bicycle ways, drainage channels, private easements for access, and other rights-of-way or public open space as condition preceding the acceptance and approval of the partition.

B. Prior to final approval of the partition, the applicant shall either install all required improvements to city standards and repair existing roads and other public facilities damaged in the development of the partition or shall execute and file with the city manager an agreement between the applicant and the city specifying the period within which all the required improvements and repairs shall be completed. The agreement shall provide that if all of the required work is not completed within the time specified, the city may complete the work and recover the full cost and expense from the applicant. If the applicant so requests, the planning commission may grant not more than one extension of time for a period not to exceed one year to complete the required improvements.

Staff Analysis: Driveway, utility and street development specifications are currently contained in the Public Works Infrastructure Design and Standards Manual and are not part of TMC Title 16 or 17 at this time. Prior to final approval of the partition, the applicant shall either install all required improvements to City standards and repair existing roads and other public facilities damaged in the development of the partition or shall execute and file with the City Manager an agreement between the applicant and the City specifying the period within which all the required improvements and repairs shall be completed.

EVALUATION CRITERIA

8. TMC 16.08.070 Criteria for evaluation.

In reviewing applications for minor and major partitions, all of the following criteria shall be met before the planning commission may approve the proposed partition:

- A. The division of land complies with applicable ordinances and public improvement design standards adopted by the city;
- B. The applicant has filed all the necessary information required by the land division Title 16;
- C. If the application is for a minor partition, the division of land will not constitute a major partition or a subdivision pursuant to the definitions in this title;
- D. If the application is for a major partition, the division of land will not constitute a subdivision and the street design has received approval from the director of public works;
- E. The applicant has demonstrated that each lot will be served with city sewer and water and that the city has the capacity to provide those services;
- F. The infrastructure designs have received approval from the public works department and if a bond is required to be posted for any infrastructure improvements, the applicant has agreed in writing to do so;
- G. The applicant has demonstrated that adequate precautions have been taken to prevent damage or injury resulting from natural hazards;
- H. The division of land will not affect a designated dredged material disposal site or mitigation site as designated in the Lincoln County estuary management plan.
- I. The division of land will not result in any newly created parcels or lots which are entirely zoned for natural resources or which become one hundred (100) percent un-developable due to splitting off the buildable land unless owned, created, or proposed to be used by a public utility.

Staff Analysis: The proposed minor partition does not involve the development or extension of any streets and will create parcels that are served by City water and sewer service. Utility easements may be needed based on standards in the Public Infrastructure Design Standards Manual. The division of land complies with applicable ordinances and public improvement

design standards adopted by the City. The division of land will not constitute a major partition or a subdivision pursuant to the definitions in Title 16. The division of land will not constitute a subdivision and the street design has received approval from the Director of Public Works. The division of land has received approval from the Public Works Director. Each lot will be served with City sewer and water and the City has the capacity to provide those services. If a bond is required to be posted for any infrastructure improvements, the applicant should agree in writing to do so. The applicant has demonstrated that adequate precautions have been taken to prevent damage or injury resulting from natural hazards. The division of land will not affect a designated dredged material disposal site or mitigation site as designated in the Lincoln County Estuary Management Plan. The division of land will not result in any newly created parcels or lots which are entirely zoned for Natural Resources or which become one hundred (100) percent un-developable due to splitting off the buildable land unless owned, created, or proposed to be used by a public utility.

Staff Analysis: The City Public Works Director, Police and Fire Chief have all reviewed the application and have indicated their approval in relation to their respective departments.

FURTHER STAFF ANALYSIS:

The current owners, Edward and Kelly French, have correctly indicated that the minor partition would create three lots. The applicant's request would be compatible with surrounding land uses. General Residential zoning is located to the north, south, west, and east. See Zoning Map attachment C.

SE 1st and SE 2nd Street are paved streets currently without curbs or sidewalks adjacent to the subject property. SE 1st Street was recently paved and SE 2nd Street narrows once you reach the frontage of the subject parcel.

The objective of the Medium-Density Residential designation as contained in the Comprehensive Plan is to provide for either lower or higher density housing. This designation shall be implemented through the zoning map's Single-family Residential (R-S) or General Residential (R-G) zone designation, which the current maps indicate.

In review of the subject property, it appears that fill was recently placed on the property. The City of Toledo requires a removal and fill permit for work in the city. Staff recommends that this is listed as a condition of approval.

As mentioned above, the subject property slopes downhill to the northeast. Future development of the parcels may require a geo-tech report as defined in TMC 15.20.050. Staff Recommends that this is listed as a condition of approval.

FINDINGS:

The applicant is requesting approval of a minor partition to divide a parcel of land that is approximately 0.81 acres in size into three parcels. Based upon the information received by city staff through May 4, 2022, the minor partition appears to conform with relevant provisions of the

City's plans and ordinances as described below. The following findings support approval of the requested partition:

1. Tax Lot 6000 appears to be a lawfully created unit of land and, according to the Lincoln County Assessor's records.
2. The subject property is approximately 35,491 square feet pending the completion of LLA-1-22. Staff recommends a condition of approval that proposed LLA-1-22 is completed prior to the finalization of MP-1-22. The applicant is requesting to divide the property into three parcels, resulting in proposed Parcel 1 being approximately 7,750 square feet and proposed Parcel 2 being approximately 7,768 square feet and proposed Parcel 3 being approximately 19,973 square feet. The proposal meets the minimum lot size standard for the R-G Zone as both parcels are over 5,500 square feet.
3. The subject property is currently vacant. Future development of proposed Parcels 1-3 must comply with TMC 17.12 (General Residential Zone) standards. The R-G Zone allows various residential uses, specifically, single-family homes (both site built and manufactured), multi-family, and accessory dwelling units are allowed outright. The applicant has tentative plans to build a duplex on proposed Parcel 1 and a single-family home on proposed Parcel 2. This request meets additional housing needs for Toledo residents in terms of type, creating an additional location for housing, and developing in an area where public service already exists.
4. Approval of this application encourages an attractive, livable, and sustainable city by encouraging efficient land use patterns. The proposed partition is adjacent to existing city streets (NE 1st Street and NE 2nd Street) minimizing the need for additional infrastructure. This application has been reviewed in compliance with and processed consistent with Toledo's Comprehensive Plan goals and policies and Municipal Code standards.
5. Based upon the information received by City staff through May 4, 2022, the minor partition appears to conform to relevant provisions of the City's plans and ordinances as described herein.
6. Proposed Parcels 1 and 2 would have adequate frontage along NE 1st Street, a city street. Proposed Parcel 3 will have access to NE 2nd Street, also a city street.
7. The minor partition criteria for evaluation in TMC 16.08.070 has been met.
8. Improvements as necessary to address the impacts of the proposed development on those streets provided the required improvements are roughly proportional to the impacts created by the proposed development. Any driveway modification, in accordance with the standards specified in the Public Infrastructure Design Standards Manual, may be required as determined by the Public Works Director. If required, it shall be completed within one year of approval of this application, or a deferred development agreement entered into, to address this requirement. Determination will be made when a construction permit has been submitted that identifies the location of proposed construction and length of its driveway, to ensure that the development will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards. The Public Works Department provided comments that the applicant will be responsible for driveway access improvements, street improvements and sidewalks. The improvements will be along the frontage of the property only and roughly proportional to the development. Staff recommends allowing the applicant to provide a deferred improvement agreement, bond, irrevocable petition for public improvements, or similar mechanism for obtaining the completion of the required improvements at a later date.

9. Unless waived by the Public Works Director, or designee, all land use applications are required to include curb and gutter and sidewalks adjacent to public streets. A sidewalk is within 500 feet of the subject property (sidewalks about 250 feet to the west), the installation of 5 foot wide sidewalks along NE 1st and NE 2nd will be required, the applicant may sign a deferred development agreement.
10. Proposed Parcel 3 could be further divided based on the minimum lot size requirement in the R-G Zone. Proposed Parcels 1 and 2 are unlikely to be further divided because of the minimum lot size requirements. The current request does not preclude the efficient division of land in the future.
11. The request meets TMC 16.04.050(E)(1-8), as provided below:
 - a. TMC 16.04.050 (E)(1) provides that each of the three parcels shall abut and take primary ingress and egress from a city street and the frontage of each shall not be less than twenty (20) feet in the R-G zone. Proposed Parcel 1 will have more than 20 feet of frontage onto NE 1st Street (a city street). Proposed Parcel 2 will have more than 20 feet of frontage onto NE 1st Street (a city street). Proposed Parcel 3 will have more than 20 feet of frontage onto NE 2nd Street (a city street).
 - b. TMC 16.04.050 (E)(2) provides that parcels with double frontage shall not be permitted unless an odd-shaped tract, existing street layout, or existing topography makes such a parcel unavoidable. The result of the partition will be three parcels with single frontage. The existing parcel has double frontage and the property is being divided in a way that removes the double frontage. The proposal will not create a double frontage lot.
 - c. TMC 16.04.050 (E)(3) provides that each side line be as close to perpendicular to the adjacent street line as possible. The proposed property line configuration for Parcels 1, 2, and 3 will be close to perpendicular to NE 1st Street and NE 2nd Street.
 - d. TMC 16.04.050 (E)(4) provides that flag lots shall not have an interior flag portion measurement of more than one hundred (100) feet in length, or a "pole" less than twenty (20) feet wide for residential. The proposed parcels are not flag lots.
 - e. TMC 16.04.050 (E)(5) provides that the pole portion of a flag lot shall be a minimum of one hundred (100) feet long and a maximum of one hundred fifty (150) feet long. The proposed parcels are not flag lots.
 - f. TMC 16.04.050 (E)(6) provides that lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Further, that lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one. Proposed Parcel 1 would be approximately 7,750 square feet, proposed Parcel 2 would be approximately 7,768 square feet, and proposed Parcel 3 would be approximately 19,973 square feet. Accordingly, proposed Parcels 1, 2 and 3 do not exceed twenty-five thousand (25,000) square feet in area, and must not exceed a depth to width ratio of two and one-half to one. As to Parcel 1, the depth of the parcel is approximately 100 feet and width is approximately 70 feet, so does not exceed a depth to width ratio of two and one-half to one. As to Parcel 2, the depth of the parcel is approximately 100 feet and width is approximately 78 feet, so it does not exceed a depth to width ratio of two and one-half to one. As to Parcel 3, the depth of the parcel is approximately 100 feet, and the width is approximately 199 feet. Therefore, as drawn on the proposed map, the proposed parcels will not exceed a depth to width ratio of two and one-half to one.
 - g. TMC 16.04.050 (E)(7) provides that flag lots may not be created such that more

than two driveways for individual lots are in less than seventy-five (75) foot of street frontage. The proposed parcels are not flag lots.

- h. TMC 16.04.050 (E)(8) provides that existing natural and piped drainages must be preserved or replaced on the site and easements must be granted for drainage as long as the easements required are roughly proportional to the impact of the proposed development. No natural or piped drainages were identified, however, any identified drainage must be preserved or replaced on the site. The Public Works Department provided comments that a storm water plan will be required.
- 12. The Public Works Director reviewed the proposed partition and indicated that water and sewer are currently available to the parcels. The public water line is located in the NE 1st Street and NE 2nd Street right-of-way and the public sewer line is located in the NE 2nd Street right-of-way.
- 13. The City Public Works Director, Police and Fire Chief have all reviewed the application and have indicated their approval in relation to their respective departments
- 14. Driveway, utility and street development specifications are currently contained in the Public Works Infrastructure Design and Standards Manual and are not part of TMC Title 16 or 17 at this time. Prior to final approval of the partition, the applicant shall either install all required improvements to City standards and repair existing roads and other public facilities damaged in the development of the partition or shall execute and file with the City Manager an agreement between the applicant and the City specifying the period within which all the required improvements and repairs shall be completed.
- 15. The proposed minor partition does not involve the development or extension of any streets and will create parcels that are served by City water and sewer service. Easements are needed based on standards in the Public Infrastructure Design Standards Manual. The division of land complies with applicable ordinances and public improvement design standards adopted by the City. The division of land will not constitute a major partition or a subdivision pursuant to the definitions in Title 16. The division of land will not constitute a subdivision and the street design has received approval from the Director of Public Works. The division of land has received approval from the Public Works Director. Each lot will be served with City sewer and water and the City has the capacity to provide those services. If a bond is required to be posted for any infrastructure improvements, the applicant should agree in writing to do so. The applicant has demonstrated that adequate precautions have been taken to prevent damage or injury resulting from natural hazards. The division of land will not affect a designated dredged material disposal site or mitigation site as designated in the Lincoln County Estuary Management Plan. The division of land will not result in any newly created parcels or lots which are entirely zoned for Natural Resources or which become one hundred (100) percent un-developable due to splitting off the buildable land unless owned, created, or proposed to be used by a public utility.
- 16. SE 1st and SE 2nd Street are paved streets currently without curbs or sidewalks adjacent to the subject property. SE 1st Street was recently paved and SE 2nd Street narrows once you reach the frontage of the subject parcel.
- 17. Public sewer main lines are located in NE 2nd Street. Any private sewer laterals crossing proposed Parcel 3 should be identified and easements recorded.
- 18. The public water line is located in the SE 1st Street and SE 2nd Street right-of-way and available to connect to. Private water service lines and other utility lines should be identified and easements recorded if existing utilities for Parcels 1 and 2 cross Parcel 3.
- 19. When Parcel 1 is developed, separate utility connections to water and sewer will be required.
- 20. In review of the subject property, it appears that fill was recently placed on the property.

- The City of Toledo requires a removal and fill permit for work in the city.
21. Notification to 48 surrounding property owners, 19 public/service agencies, and publication of the proposed minor partition were completed in accordance with the TMC requirements. As of May 4, 2022, no comments have been received.

CONDITIONS OF APPROVAL:

1. Partitioning of the property shall be in compliance with the proposed partition plan as described in the application, plan and drawings submitted and included in Exhibit A of this report.
2. Proposed LLA-1-22 shall be completed prior to the completion of the proposed partition plat.
3. The applicant shall provide a final minor partition plat prepared by a registered surveyor and meeting the plat standards of the City of Toledo and including an approval signature line for the City Manager's signature. The applicant shall submit the final plat to the Lincoln County Surveyor for review, and to the City of Toledo to review for compliance with conditions of approval prior to recording. The applicant shall record the approved final plat with the Lincoln County Surveyor. A copy of the recorded plat shall be submitted by the applicant to the City of Toledo.
4. In accordance with TMC Chapter 16, the final partition plat shall be recorded within one year from the effective date of the Planning Commission approval. One extension of time, not to exceed one year, may be granted to complete the partition if an application for an extension of time is made in writing prior to the expiration date. Authorization of the variance shall be void after one year if the final plat has not been recorded or an extension granted.
5. The applicant or property owner shall obtain a removal and fill permit as defined by TMC Chapter 15.
6. The applicant or property owner shall obtain a geo-tech report for any development on a geo-hazard area defined by TMC 15.20.050. Development not on a geo-hazard area defined by TMC 15.20.050 would not be required to submit a geo-hazard report.
7. At the time of development, the applicant shall submit a stormwater management plan to the Toledo Public Works Department for review and approval.
8. Protect all existing easements (in addition to being noted on the plat) and, as appropriate, record any new easements to serve the proposed parcels for driveway access and utilities, and comply with the Public Infrastructure Design Standards Manual, before construction permits will be issued.
9. Any driveway modification, in accordance with the standards specified in the Public Infrastructure Design Standards Manual, may be required as determined by the Public Works Director. If required, it shall be completed within one year of approval of this application, or a deferred development agreement entered into, to address this requirement. Determination will be made when a construction permit has been submitted that identifies the location of proposed construction and length of its driveway, to ensure that the development of Parcel 2 will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards.
10. The recording of easements (in addition to being noted on the plat) as required and as appropriate by the Public Works Director to serve the interior properties for driveway access and utilities, including water and sewer, in accordance with the minimum width

and other standards in the Public Infrastructure Design Standards Manual, before construction permits will be issued.

11. All standards and requirements in the Infrastructure Design Standards Manual, TMC Chapter 16 and 17 are met, as to both parcels marked on Exhibit A.
12. The applicant shall obtain any required state or federal permits.

Based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on May 11, 2022, the Planning Commission finds that the request by Edward and Kelly French (MP-1-22) complies with the criteria identified in Toledo Municipal Code, Titles 16 and 17, including the criteria identified in Toledo Municipal Code, Section 16.08.070. The Planning Commission hereby adopts the staff report as findings, as well as the conditions of approval for MP-1-22, and allowing for the correction of typographical and grammatical errors.

IT IS ORDERED that the request for a Minor Partition in this matter is granted.



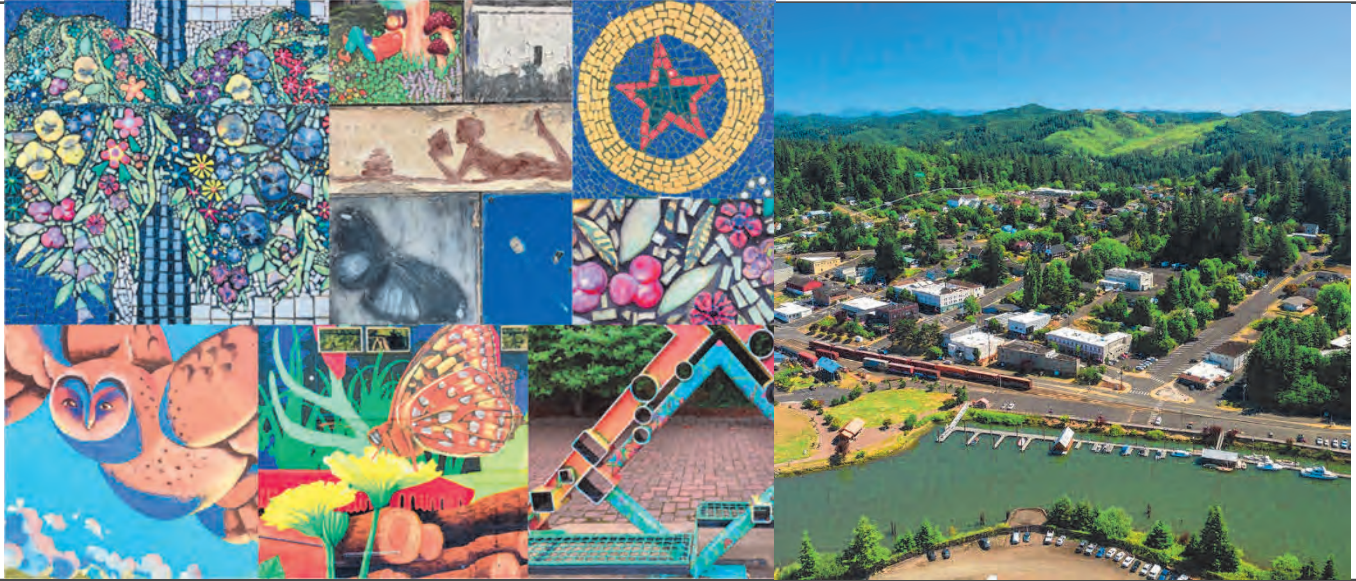
PLANNING COMMISSION PRESIDENT



DATE



2042 Vision for Toledo, Oregon



Photos courtesy of Katy Kueter RARE Participant and Oregon Coast Visitors Association

December 2023

The 2022 Toledo Comprehensive Land Use Plan

Acknowledgements

This update of the Toledo Comprehensive Plan represents over a year of work by City Staff, a RARE participant, the Toledo Planning Commission, and broad participation from the local and regional partners.

Planning Commission

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Cora Warfield – Vice President
Brian Lundgren
Jonathan Mix
Terri Neimann
Frederick “Ricky” Dyson

Mayor and City Council

Rod Cross – Mayor
Betty Kamikawa – Council President
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Community Partners

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Chapter 1: Introduction

Toledo's last 20 plus years have brought change, success, and challenges. The last update to the Toledo Comprehensive Plan was in 2001 after the timber decline of the 1980s and 1990s, and before the 2008 Great Recession and 2020 COVID 19 Pandemic. Overall, much has happened in the last 20 years, and it is time to update the Comprehensive Plan to reflect the community's current vision. We turned to the community for guidance and input which will shape how Toledo grows and develops in the future. The Comprehensive Plan or "The Plan" is an expression of the community's values. The Plan reflects what we learned from comments gathered during the Toledo Comprehensive Plan Survey, as well as the time we spent with residents, community partners, and many others. This document lays the groundwork for Toledo to grow and develop in a way that is consistent with the community's shared priorities. Collectively, The City created a plan that will be front and center in making day-to-day land use decisions, a plan that will be kept relevant and useful through adjustment and refinement. This is a plan that will guide Toledo's evolution over the next 20 years and beyond. This is our plan.

By the year 2042, it is projected that 3,872 people will live in Toledo (PSU Estimates). However, Elected Officials and City Staff expect the population to grow by more than the projected estimates. New residents will live, work, shop, and recreate in the Toledo area. What do people want Toledo to be like in five years? or in twenty years? How will the community respond to the changes and challenges Toledo faces? How can the community shape and guide the development of Toledo in a positive and productive manner? Toledo's Comprehensive Plan, 2042 Vision for Toledo, has been written to help Toledo's citizens and leaders envision and achieve the community's desired future.

Introduction to Our City

The City of Toledo is situated seven miles inland from the Pacific Ocean on the scenic Yaquina Bay is located between the Coast Range and the Pacific Coast. Toledo's inland location combines proximity to the ocean with weather that is frequently warmer and sunnier than that of its coastal neighbors.

Toledo is a rural community with a 2022 population of 3,840 (PSU Estimates). The 1999 population was 3,605 which means the population increased by about 235 people in the last 22 years. The 2000 Toledo Comprehensive Plan projected that between 5,000 and 5,600 people would live in Toledo. We now know that is not the case. Nevertheless, the population of Toledo has grown in the last 20 years and the Housing Needs Analysis/Buildable Lands Inventory (Attachment A) discusses the city's demographic changes in detail.

Toledo expresses a "small town" feeling to the people who live here. With its quaint downtown, steep hillsides, narrow streets, forested neighborhoods, and scenic waterways, Toledo is a charming community. The community offers a wide variety of housing types and styles. Toledo is a popular area because of accessibility to a variety of sports and recreational activities including fishing, canoeing, sailing, hunting, hiking, and scenic drives. The area also offers an indoor swimming pool, tennis courts, bowling alley, historic museums, well-kept parks, and a library. Many churches of various denominations provide opportunities for worship and community events. Toledo's citizens are active in community organizations and enjoy school functions and community festivals. Each year there are many joint events with the Toledo Pool District, Port of Toledo, Toledo Chamber of Commerce, Toledo Rotary, and the city. Events such as, the Wooden Boat Show, Cycle Oregon – Gravel, Thursday Waterfront Market, Thursday Free Boating at the Port, National Night Out, Lights of Hope, Trick or Treat Mainstreet, Cornhole Classic, and so much more bring visitors and locals together to enjoy Toledo.

Toledo is truly where "Art Meets Industry". With many galleries and a thriving art community Toledo has murals, metal sculptures, and phantom art galleries throughout the area. Art Toledo brings events such as Art, Oysters and Brews, Chalk a Block, and the Art Walk to the city.

Transportation routes to Toledo include rail, air, marine, and U.S. Highway 20. Many communities including Toledo suffered economic declines as resource-based industries declined in Oregon. Fortunately, Toledo retains an industrial base with the largest industrial employer in Lincoln County, Georgia Pacific LLC. Toledo is poised to be on the leading edge of environmental improvements with Georgia Pacific's addition of the Juno technology which is innovative technology designed to convert household paper waste into reusable fiber for container board. Dahl Disposal's waste bundling system makes it possible for waste from throughout Lincoln County to be sorted and bundled for use in JUNO, thereby removing more than 80% of the paper waste from the landfill.

The mission of the Toledo City Government is to provide efficient and necessary public service that protect and enhance the quality of life in Toledo, now and in the future, as determined by our citizens, the law, and available economic resources. City Council and staff strive to meet this mission and follow this value statement set forth by the city council:

- Respect - We embrace the worth and dignity of everyone.
- Integrity - We earn trust with honesty and transparency.
- Accountability - We own our words, actions, successes, and failures.

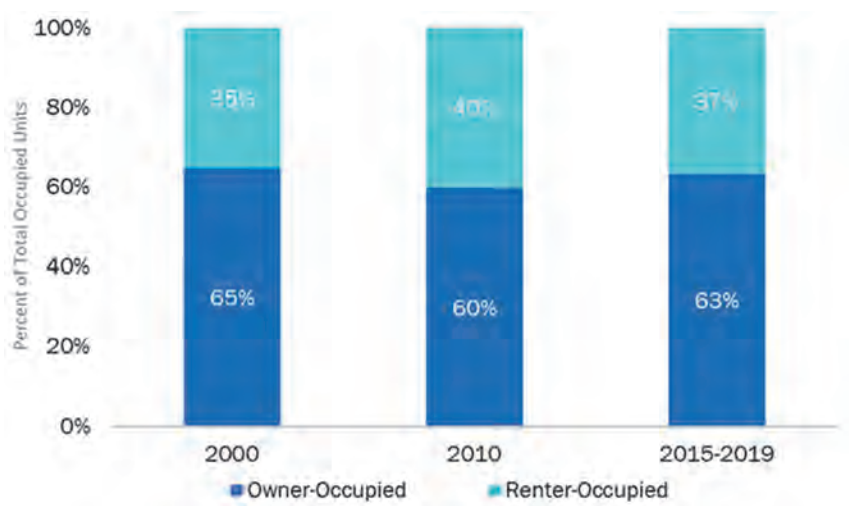


Toledo by the Numbers

The City of Toledo recently completed a Housing Capacity Analysis (Attachment A) that includes additional demographic data. This section is meant to highlight some recent trends in Toledo.

- **Toledo's housing stock is predominantly single-family detached housing units.** Eighty-three percent of Toledo's housing stock is single-family detached; 7 percent is multifamily (with 5 or more units per structure); 5 percent is duplexes, triplexes, or quadplexes; and 4 percent is single-family attached (e.g., town houses). Toledo's mix of housing has not changed substantially since 2000.
- **Single-family detached housing accounted for a little over a third of new housing permitted in Toledo between 2010 and 2022.** About 65 percent of new units permitted were for single-family units or manufactured homes, 30 percent were for multifamily units, and 5 percent were accessory dwelling units.
- **Toledo's housing is older on average.** Nearly half of Toledo's housing was built before 1959, compared with one-quarter of the county's or state's housing stock.

Exhibit X: Tenure, Occupied Units, Toledo, 2000, 2010, 2015-2019



Source: US Census Bureau, 2000 Decennial Census SF1 Table H004, 2010 Decennial Census SF1 Table H4, 2015-2019 ACS Table B25003.

Toledo History

European-American settlement in Toledo began in 1866, when John Graham, his son Joseph, and William Mackey claimed land made available by the Homestead Act of 1862. The men continued down river until they came to the mouth of Depot Slough. Graham took the land adjacent to the slough and Mackey took a claim across from where the river curved. This area was later called Mackey's Point. Originally the site was named "Graham's Landing". Two years later a post office was created at Mackey's Point. The post office was named after Toledo, Ohio because Joseph Graham was homesick. The first postmaster for the Toledo post office was William Mackey. In 1882, the first townsite was laid out along Depot Slough, Toledo's waterfront.

The city was initially incorporated in 1893 and reincorporated in 1905. Toledo became the county seat of Lincoln County in 1893. Toledo was picked as the temporary county seat. It was later picked as the permanent county seat in an 1896 election. The county courthouse was built in Toledo in 1899 where the Toledo Elks Lodge is today. Charles Barton Crosno became the first mayor of Toledo. Toledo City Hall was built in 1930.

A 20-mile stretch of the Siletz Indian Reservation had been opened for white settlement in 1866. Three soldiers from Fort Yamhill made a claim three miles up from the mouth of Depot Slough and started the Premier Mill. The soldiers were positive that the Yaquina Bay area, including Toledo, would experience rapid growth. And that was mostly due to the upper bay being only 14 river miles from the mouth of the harbor at Newport.

Georgia Pacific Plan in Toledo, Oregon, 1958



Photo Courtesy of Ben Maxwell, Salem Public Library Historic Collections

Street View in Toledo, Oregon 1958



Photo Courtesy of Ben Maxwell, Salem Public Library Historic Collections

In 1870 the population figures show there were 200 residents. During the year of 1900 population had reached 302. The Corvallis and Yaquina Bay Railroad Company was incorporated in 1872. Thirteen years later the last spike was driven to complete the railroad line. On July 4th, 1885, the first excursion train from the Willamette Valley came through Toledo. The railroad provided a boost to the economy and Toledo started growing rapidly.

Port of Toledo History

The leaders in Toledo obtained voter's permission to form a port district in 1910. The importance of this was that ports could tax, borrow, buy and operate property in order to promote business and to obtain public access to waterways. The original appointed commissioners were able to commission initially \$50,000 in bonds backed by a tax on property owners. This allowed them to purchase property along Depot Slough on the south edge of town. A wharf was built and dredging was completed from Depot Slough a mile down the Yaquina River. During the year 1914, the port secured federal dredging of Depot Slough and the Yaquina River shoal. In the early years, cargo made of mostly forest products, traveled down the newly cleared waterway. In 2008 the Port took a step forward and expanded its infrastructure. There was a privately owned boatyard that was planning to close. The Port knew that it was necessary to have a haul out facility which was critical to the local fishing fleet. With support from the State of Oregon, the Port purchased the boatyard. With the boatyard acquisition, the course of the Port of Toledo was changed. A Connect Oregon V grant of \$4.6 million was awarded in 2014 which allowed the Port to purchase a 660-ton mobile lift. This purchase enabled the Port to service the local and distant water fishing fleet. With the growth the new lift presented, in 2016 another Connect Oregon VI grant and Special Public Works Fund Loan allowed the Port to expand and construct a 20,000 square foot building. This allowed boats to be worked on indoors instead of completely outdoors. The Port of Toledo has since partnered with Oregon Coast Community College, the Lincoln County School District and Maritime Administration to launch a welding program for students.

Georgia Pacific History

The Georgia Pacific paper mill in Toledo was opened in 1957. In the early years, the Port of Toledo leased land to the Spruce Production Division for a sawmill to cut airplane frames for World War 1. But, before any production happened, the war ended. CD Johnson and his associates purchased the mill and related equipment. By 1923 the mill was processing logs that were shipped to Toledo by rail. Georgia Pacific purchased the mill in 1951 and turned it into a pulp mill. Georgia Pacific built a kraft pulp and linerboard mill which opened in 1957.

As the community has grown, the Georgia-Pacific paper mill and the timber industry have continued to play important roles in sustaining the local and regional economy.

Toledo History Museum, News Times book, Lincoln history museum.

Purpose of the Plan

What is a Comprehensive Plan?

The Comprehensive Plan is the guiding document—or “blueprint”—for how our community will grow and develop over the next 20 years.

The Toledo Comprehensive Plan provides a framework for making better decisions regarding the use of land and community resources. The plan is a means of controlling the urban environment, conserving Toledo's existing values and guiding growth in the desired directions. The plan is a policy statement based upon the existing assets, problems and needs within the community. It predicts future conditions and sets forth City policies in an effort to guide the development of Toledo in a positive and productive manner. The plan is designed to help Toledo to know its past and present and to develop a future which reflects the community's values and goals. The plan is a guideline for both short- and long-term development and is written to assure a comprehensive view of how individual projects can contribute to the community as a whole.

Change is an inherent part of the community. The purpose of the Comprehensive Plan is to help the community adjust to changing circumstances in a manner which reflects the community's desires. It is a tool designed to:

- be comprehensive,
- be long range,
- be general,
- focus on physical development,
- be related to the social and economic forces that the plan proposes to accommodate, and
- to be adopted and used by the City of Toledo to guide land development and use.

Why is it Needed?

The City of Toledo last updated its Comprehensive Plan in 2001. Since then, there has been new commercial and residential growth in Toledo. While the Comprehensive Plan has been amended to satisfy pressing needs as necessary in the past, this update positions the city to address the change Toledo has experienced in a comprehensive way. Updating the Plan provides a great opportunity to look at where we have come from, where we are now, and where we want to be in the next 20 years.

When and How is it Used?

Our goal through this process was to create a Comprehensive Plan that best serves the community. The plan is intended for use by local officials, people with development interests,



neighborhood and community groups, state and federal agencies, special districts, and citizens of all interests. It provides information about the community and how future land use development should be balanced to meet the overall needs of the community. The Plan is comprehensive and should not be viewed in parts without consideration of the interrelationships with other aspects of the Plan.

Oregon Statewide Planning Compliance

The Toledo Comprehensive Plan was also written in compliance with the Oregon Planning Act and addresses the Oregon Statewide Planning Goals. The framework of the plan is based upon the Oregon goals with adjustments to assure a comprehensive review of Toledo's specific characteristics and needs. This comprehensive policy plan is the central, but not only, document for directing Toledo's future. Other planning documents are equally important. Many of these have been used as background reports or inventory documents providing specific and detailed information on each of the statewide land use planning goals applicable to Toledo. Others include the specific facts regarding Toledo from which the Comprehensive Plan statements, policies and objectives are derived. Summaries and references to the relevant background materials are referenced or included as attachments.

Planning is a continuous, not a static, process. Over time, the Comprehensive Plan must incorporate new values, concerns and opportunities. Periodically (approximately every 5 to 7 years) the plan should be revised to reflect the needs, goals and desires of Toledo's residents.

Oregon Statewide Planning Goals

All Oregon cities and counties are required to have a comprehensive plan that is consistent with 19 Statewide Planning Goals established by the Legislature. These goals set broad statewide POLICY goals for land use planning, citizen involvement, housing supply, economic development, transportation systems, public facilities and services, natural resources management, recreation, and more. They also direct the content within comprehensive plans. Under State law, all community plans, zoning codes, permits, and public improvements must be consistent with the comprehensive plan. This structure ensures that cities implement the State's POLICY goals first through the comprehensive plan, and then by more detailed supporting and implementing documents, such as development codes and community plans, which are in turn consistent with the Comprehensive Plan.

Once the comprehensive plan has been developed and adopted, the Department of Land Conservation and Development (DLCD), which is the administrative branch of the State Land Conservation and Development Commission (LCDC), reviews the Plan for consistency with state law and the Statewide Planning Goals, as set forth in Senate Bill 100 in 1973. Once a Plan is determined to be consistent, DLCD "acknowledges" or approves the plan.

The following is complete list of the Oregon Statewide Planning Goals (“Oregon Goals”). The highlighted goals are goals applicable to Toledo. The Comprehensive Plan follows the general outline of the goals but also includes changes to the format of the goals.

GOAL 1: CITIZEN INVOLVEMENT

GOAL 2: LAND-USE PLANNING

GOAL 3: AGRICULTURAL LANDS

GOAL 4: FOREST LANDS

**GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND
OPEN SPACES**

GOAL 6: AIR, WATER, AND LAND RESOURCES QUALITY

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

GOAL 8: RECREATIONAL NEEDS

GOAL 9: ECONOMIC DEVELOPMENT

GOAL 10: HOUSING

GOAL 11: PUBLIC FACILITIES AND SERVICES

GOAL 12: TRANSPORTATION

GOAL 13: ENERGY CONSERVATION

GOAL 14: URBANIZATION

GOAL 15: WILLAMETTE RIVER GREENWAY

GOAL 16: ESTUARINE RESOURCES

GOAL 17: COASTAL SHORELANDS

GOAL 18: BEACHES AND DUNES

GOAL 19: OCEAN RESOURCES

DEVELOPING AND MANAGING THE PLAN

The Comprehensive Plan update occurred over a year and a half period and was designed to leverage community engagement gathered during the update process, as well as contributions from the city staff and community representatives. The topics covered in the plan reflect State requirements and community feedback. Each of the 16-chapter topics in the Comprehensive Plan was developed by following an iterative, consistent process that involved City staff, community representatives, elected and appointed officials, and the general public. Following this process ensured that the background research and proposed goals and policies were thoroughly vetted and refined to consider the perspectives of everyone affected by the plan—staff, partners, developers, and residents across our community. The Comprehensive Plan is explicitly designed to be a living document written with implementation, evaluation, and revision in mind. As community needs evolve, the Plan will be periodically reviewed and revised.



BACKGROUND RESEARCH & DEVELOPMENT

Background research into each topic identified specific Federal, State, or regional regulatory requirements, the historical context for the topic in Toledo, and specific issues or opportunities that should be addressed. The research was vetted by Toledo's City staff which included subject matter experts from the City, County, and State. This background research served as the basis for developing initial drafts of goals and policies, which were also vetted and reviewed by the Planning Commission.

HOW IS THE COMPREHENSIVE PLAN WRITTEN?

There are no formal guidelines on how to write a Comprehensive Plan, however it is recommended the Plan include and comply with applicable Statewide Planning Goals (mentioned above), adopted by the LCDC, and pertain to the City of Toledo. The Plan should also reflect the comments, suggestions, and vision of Toledo residents and express that vision in its land use policies, regulations, and map designations. Beyond the inclusion of applicable Statewide Planning Goals and Toledo's Vision, there is no set template on how to write the Plan. How the Toledo Planning Commission and the City Staff, with help from DLCD and Oregon Cascades West Council of Governments, prepared to write this plan was by reviewing existing plans in neighboring cities, cities with similar population size, or cities that recently updated their plans. Also, in drafting the plan, the Toledo Planning Commission acknowledges this initially adopted Comprehensive Plan will still have some gaps due to the lack of capacity, funds available, knowledge, and experience needed for such a tremendous undertaking. Once the Plan is adopted by Toledo City Council, the City and Planning Commission will prioritize updating the Plan, on a timely basis, and ensure that all gaps are addressed, which will be discussed further in the "Updating the Plan Moving Forward" section.

PLANNING COMMISSION

The Toledo Planning Commission, Planning Department, and City Manager play key roles in reviewing background research and refining draft goals and policies. The Plan's partners consist of City staff, the Planning Commission, Lincoln County, and representatives from the State of Oregon.

OUTREACH

Add outreach effort information

- Community Survey
- Planning Commission Meetings Once a Month
- Joint Work Sessions
- Open House on April 26th 2023

ADOPTION PROCESS

The majority of the work to develop the Comprehensive Plan update was completed in informal public processes before formal adoption began in **November 2023**. Adopting a new Comprehensive Plan is a legislative procedure which requires the Planning Commission to begin the process by approving an order initiating a public amendment to the existing Comprehensive Plan. Initiation is followed by one or more public hearings at the Planning Commission, which then forwards a recommendation to the City Council to adopt or reject the Plan. The City Council then takes that recommendation into account when considering an ordinance to formally adopt the Comprehensive Plan.

UPDATING THE PLAN MOVING FORWARD

The Comprehensive Plan is intended to be a living document. The Plan was designed with the flexibility for revisions reflecting changing circumstances, with two key paths for maintaining the plan:

- Goals and policies for each topic, while clearly interrelated, are developed in a modular, self-contained manner to allow for easy amendment. Each POLICY was developed, wherever possible, to address a single POLICY subject, making policies easy to understand, apply, and refine where needed.
- Implementation measures for each of the new policies are developed and maintained outside of the Comprehensive Plan document. These implementation measures can be frequently reviewed, updated, and reprioritized to ensure that the city can be responsive to changing needs of the community, while also maintaining a solid connection to our collective vision. As implementation measures are maintained outside of the Comprehensive Plan document, updates can be made without the need to follow formal adoption processes.

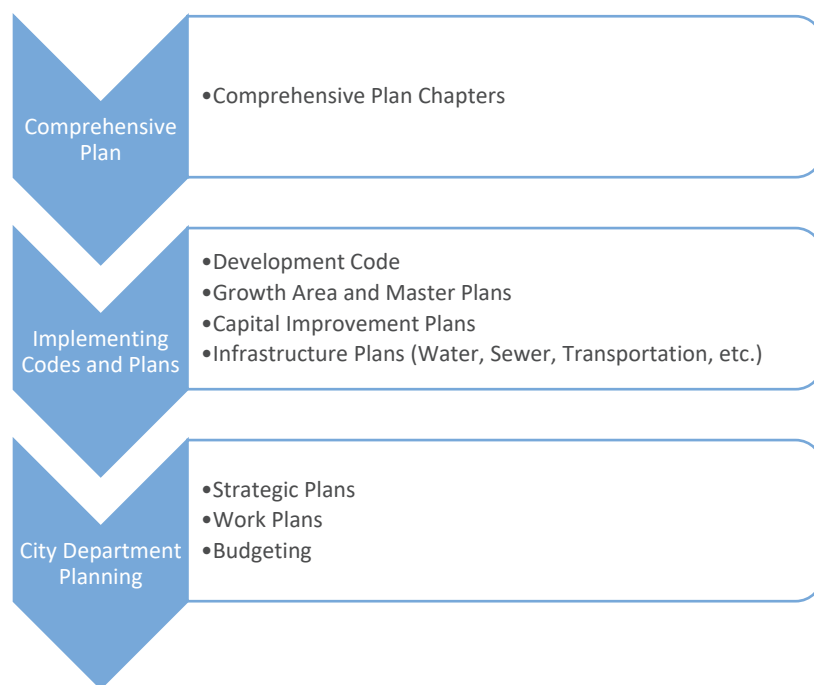
OVERVIEW OF THE IMPLEMENTATION PROGRAM

Implementation measures are the specific, concrete, and measurable actions that apply policies as part of on-the-ground City operations. Traditionally, comprehensive plans include long lists of implementation measures alongside the goals and policies without a strategy for putting those measures to work. Since any modifications to the Comprehensive Plan must go through an amendment procedure including public notices, public hearings, and State review, even simple revisions to address changes in existing conditions or shifting priorities must be completed through a cumbersome process. As part of Toledo's Comprehensive Plan update, implementation measures have been split out into a separate, living document in order to provide more flexibility in their use as a city work program. Progress will be tracked periodically to ensure that implementation is ongoing.



Implementation measures will be assigned to the City Council and the City Manager to identify any costs and provide a timeline for action. This approach goes above and beyond the base level requirement to create a tool that will increase transparency and accountability in planning activities to help our community thrive in the long term.

Within the implementation program, State law requires local governments to provide implementation tools adequate to fulfill the purpose of the Comprehensive Plan. Implementation tools are another important component of the comprehensive planning process. The Comprehensive Plan informs the development of zoning codes, development and annexation agreements, urban renewal plans, service coordination agreements, master plans, and other City plans. These tools play a key role in applying the broad goals and policies of the Comprehensive Plan to specific land use and administration decision-making. As with all other components, implementation tools and measures must be consistent with the Comprehensive Plan.



Organization of this Report

Each topic opens with a statement articulating the important role that the subject matter plays in the function of our community and is followed by a short summary providing context and information about the City’s POLICY strategy going forward. The Goals & Policies document is organized in a way and includes features that maximize its ease and efficiency of use in land use planning practice. It aspires to present information in a way that is clear and accessible, avoiding

the use of jargon where possible and providing definitions where specific terms are necessary, in order to provide a tool that is useful to the community as well as the City. The policies contained within the document will direct decisions shaping the form and function of the City.

- Goal statement. A goal is a broad statement of purpose that defines our community's ideal future. Goals are advisory.
- POLICY statement. A policy is a clear statement guiding a specific course of action for decision makers to achieve a desired goal. Policies are regulatory.

Vision

The mission of the Toledo City Government is to provide efficient and necessary public service that protect and enhance the quality of life in Toledo, now and in the future, as determined by our citizens, the law and available economic resources.

Aspirations

The Toledo Comprehensive Plan includes six guiding aspirational statements to recognize that implementation of this Plan must be balanced, integrated and multi-disciplinary. The influence of our aspirations is seen throughout the Plan as they shape many of the individual policies and projects.

Business Community

We aspire to have a thriving business community catering to the needs and desires of our residents and attracting visitors. Toledo supports small businesses, home-based businesses, and creative entrepreneurs. Furthermore, Toledo supports the continued innovation.

Housing

We aspire to provide a wide range of economic housing options for all who value our community's wonderful quality of life and make Toledo home.

Quality of Life

We aspire to have our quality of life nourished by our city's strong economic, organizational, cultural, and transportation connections throughout Lincoln County. Our combination of physical and cultural advantages exemplify why Toledo is a wonderful place to settle down, raise a family, or start a business.

Infrastructure

We aspire to build, maintain, and upgrade our transportation, parks, water, sewer, stormwater, and public safety systems to ensure residents receive high quality, reliable essential services.



Locational Advantage

We aspire to be a community maximizing the benefits of our location: inland from the coast on the beautiful Yaquina River, surrounded by estuaries, forested areas, and a rural landscape. Location was one of the top answers on the Comprehensive Plan survey's favorite thing about Toledo question.

Art District

We aspire to have vibrancy within the Toledo downtown and Art District. Art Toledo and Downtown Toledo are a source of pride for the whole community, as well as a significant attraction for visitors.

Balance of Business Support and Ecosystem Maintenance

We aspire to balance business needs of the estuary and protecting and maintaining its ecosystem. The city is located adjacent to the Yaquina River and associated estuaries. The estuary provides essential business and provides valuable ecosystem services to Toledo's air, water and land.